

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

V.

ANGEL OCASIO

Cause No. EP-11-CR-2728-KC

TLO, LLC's MOTION FOR EXTENSION OF TIME

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

COMES NOW Third-Party TLO, LLC (hereinafter “TLO”), by and through its undersigned counsel Christopher A. Antcliff, and files this, its Motion for Extension of Time and respectfully show the Court as follows:

The undersigned was retained by TLO late in the afternoon of May 29, 2013. That evening, the undersigned reviewed the documents filed by counsel for the Government and Counsel for Defendant relative to the subpoenas which had been issued in the case.

In light of the undersigned's schedule, TLO was unable to respond to the Subpoenas until Thursday, May 30, 2013 at 4:31 p.m. at which time the undersigned hand-filed third-party TLO's Motion to Quash Subpoenas Issued Pursuant to Federal Rule of Criminal Procedure 17. Shortly thereafter, according to the Office of the District Clerk, at approximately 5:20 p.m. Defendant filed his Motion to Compel Production of Materials and Information Demanded by Subpoena.¹

1 Until approximately 12:00 noon today, the undersigned has been unable to participate in the CM/ECF System to file and receive any electronically filed documents related to this case for the reason that the system apparently has no provision to permit a third-party filer in a criminal case. As a result, the undersigned was obligated to hand-file TLO's Motion to Quash. Apparently, when a document is hand-filed, there is a time lag between the time of the filing and the time that the District Clerk scans the document and enters it into the system. TLO's Motion to Quash was not entered into the CM/ECF System

The Court then issued an Order directing TLO and the Government to file any response to Defendant's Motion to Compel on or before 1:00 p.m. on June 13, 2013. (*See* Document Number 142).

The undersigned was unavailable from the afternoon of Friday, May 31, 2013 through Sunday, June 2, 2013 for personal/family reasons. In any event, the undersigned would have been unable to file anything over the weekend because he had no access to the Court's CM/ECF filing system in this case as described in footnote 1. On this day, the undersigned has been conducting a mediation in a cause styled *Hortensia Enciso v. Hospice of El Paso, Inc.*, Cause No. 2012DCV06691 currently pending in the 171st Judicial District Court. Said mediation concluded at 12:40 p.m. on this day.

The undersigned and third-party TLO have been diligently working since receipt of the Court's Order to fashion a response to Defendant's Motion to Compel and are currently awaiting affidavits which will be attached as Exhibits to TLO's response and to a supplement to TLO's Motion to Quash.²

On this day, the undersigned exchanged emails with counsel for Defendant Assistant Federal Public Defender Michael Gorman, who is currently out of town. Mr. Gorman indicated that Defendant would take no position on this Motion.

In light of the foregoing, third-party TLO, LLC is requesting that the Court extend the deadline by which TLO must respond to Defendant's Motion to Compel by slightly

until some point during the morning of May 31, 2013 and it was docketed as document number 141. This scan and entry operation by the District Clerk took place after Defendant electronically filed his Motion to Compel at approximately 5:20 p.m. on May 30, 2013. Defendant's Motion to Compel was assigned document number 141 on the CM/ECF Docket for this action.

² Said Supplement is necessitated because of the speed at which the undersigned was obligated to initially file TLO's Motion to Quash given deadlines previously imposed by the Court and in light of the upcoming trial setting. The undersigned concluded that TLO should immediately file its Motion to Quash rather than waiting on additional affidavits. TLO would then provide the Court with affidavits in addition to that of Mr. Wiltse to flesh out the facts contained in the Motion to Quash.

more than 2 days, until 5:00 p.m. on Wednesday, June 5, 2013.³

WHEREFORE, PREMISES CONSIDERED, third-party TLO, LLC respectfully requests that the Court enter an order extending the time by which TLO must respond to Defendant's Motion to Compel, and for such other and further relief to which TLO may show itself justly entitled.

Respectfully submitted,

Chris Antcliff
221 N. Kansas, Ste. 1201
El Paso, TX 79901
Tel: (915) 533-1221
Fax: (915) 533-1225

By: _____ //s//
Chris Antcliff
State Bar No. 00793269

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in this cause, including AUSA Brandy Gardes, 700 E. San Antonio, Ste. 200, EL Paso, TX 79901 and AFD Michael Gorman, 700 E. San Antonio, Ste. D-400, El Paso, TX 79901.

_____ //s//
Chris Antcliff

³ Additionally, the undersigned is scheduled to conduct two additional mediations on June 4 and June 5, 2013 in causes styled *Guadalupe Angeles v. Academy*, Cause No. 2012DCV04979 and *Ann Barney v. Kleentex Corp.*, Cause No. 2012DCV07149.

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ORDER

On this day, the Court considered third-party TLO, LLC's Motion for Extension of Time filed in the above-captioned cause. After due consideration, the Court is of the opinion that the Motion should be granted.

Accordingly, **IT IS HEREBY ORDERED** that third-party TLO, LLC's Motion for Extension of Time is **GRANTED**.

IT IS FURTHER ORDERED that third-party TLO, LLC shall file its response to Defendant's Motion to Compel on or before Wednesday, June 5, 2013 at 5:00 p.m.

SIGNED this ____ day of June, 2013.

THE HONORABLE KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE